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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,
v.
RENE ACEVEDO,

Defendant.

No. CR 09-00633 JF

STIPULATION AND ~~PROPOSED~~
ORDER RESCHEDULING STATUS
HEARING FROM AUGUST 18, 2009 TO
SEPTEMBER 23, 2009 AND EXCLUDING
TIME UNDER THE SPEEDY TRIAL ACT

The parties are currently scheduled to appear before this Court on August 18, 2009 at 9:00 a.m. for a status and trial setting hearing. Defense counsel is currently in trial, and the parties anticipate a resolution to this matter. Therefore, the government and defense request a continuance of this hearing to September 23, 2009 at 9:00 a.m. (or other date convenient for the Court) and an exclusion of time under the Speedy Trial Act.

The parties stipulate that the time between August 18, 2009 and September 23, 2009 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161, and agree that the failure to grant the requested continuance would unreasonably deny the defendant reasonable time necessary for effective preparation. The parties further agree that the ends of justice served by granting the

1 requested continuance outweigh the best interests of the public and the defendant in a speedy trial
2 and in the prompt disposition of criminal cases. 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

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5 DATED: August 18, 2009

JOSEPH P. RUSSONIELLO
United States Attorney

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8 /S/
GRANT P. FONDO
Assistant United States Attorney

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10 /S/
ALFREDO MORALES
Counsel for Defendant

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ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the status hearing in the above-entitled matter is continued from August 19, 2009 to September 23, 2009 at 9:00 a.m.

The Court further ORDERS that the time between August 19, 2009 and September 23, 2009 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161. The court finds that the ends of justice are served by taking such action and outweigh the best interests of the public and defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The failure to grant such a continuance would unreasonably deny counsel for defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED.

DATED: 8/19/09


JEREMY FOGEL
UNITED STATES DISTRICT JUDGE